

**BOARD TRANSMITTAL**  
**MEMORANDUM**

**Board of Supervisors Meeting June 28, 2005**

**TO:** BOARD OF SUPERVISORS  
**FROM:** PLANNING DEPARTMENT *JEL*  
**SUBJECT:** PLACER COUNTY CONSERVATION PLAN -  
**DATE:** June 21, 2005

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**SUMMARY/ACTION REQUESTED:** The Planning Department is providing the Board with a status report on the preparation of the Placer County Conservation Plan (PCCP) with a particular emphasis on responding to comments from the resource agencies. Staff is also providing the Board with information on key strategic and policy issues that need early consideration related to financing the PCCP.

**BACKGROUND:** In June 2000, the Board directed the staff to initiate the implementation of the Placer Legacy Program. One of the objectives of the program was to prepare a Natural Communities Conservation Plan and Habitat Conservation Plan in 3 phases. This effort, now referred to as the Placer County Conservation Plan, is nearing completion for the first phase (Exhibit A). The PCCP is intended to provide 50 years of compliance for various state and federal regulations.

**FISCAL IMPACTS:** Implementation of the PCCP is predicted to cost in excess of \$1.5 billion over the next 50-years to protect the necessary resources to meet permit obligations. Annual costs to manage and monitor approximately 57,000 acres of land will be approximately \$10 million/year once the land has been acquired. These costs will be borne by an assortment of public and private entities. The fiscal impacts to the County continue to be analyzed in fiscal impact and financial alternative analyses being prepared concurrently with the conservation strategy.

**SUMMARY DISCUSSION:** The following summarizes the discussion contained in the attached staff report with a summarized agency comment stated first and a response second.

1. We underscore, however, that solutions to all the issues identified below are feasible if Placer County and the plan participants continue to work closely with the Wildlife Agencies. We stand ready to assist in that effort in a collaborative and productive manner, and stress that a successful conservation strategy in Placer County is a high priority for the Wildlife Agencies.

**Response:** The Wildlife Agencies have devoted considerable public resources to completing this effort. While there are substantial issues to be addressed, their continued support and willingness to negotiate is evident in both their recommendations in their letter and subsequent conversations on how to move the program forward.

2. The general focus of the Agency Review Draft should be redirected from a mitigation strategy to a conservation strategy that contributes to recovery of covered species in the planning area.

**Response:** With the Board's concurrence, the staff is recommending that the conservation strategy be rewritten in such a way as to be responsive to the Wildlife Agency's concerns. One of the critical elements will be a conservation reserve area map that depicts high value reserve areas (see discussion below). Once it is clear as to where conservation should occur, it will be much easier to define the overall strategy and provide measurable objectives.

3. The historic development pattern in the County carried forward in the Agency Review [PCCP] Draft is likely not compatible with a viable conservation strategy.

**Response:** Staff has no particular recommendations at this time. The majority of new projects that would be covered by the PCCP are in the review process at this time. In the case of the City of Lincoln, much of the projected impact will come from changes in land use resulting from the City's General Plan update and related sphere of influence expansion.

County staff will continue to focus efforts on coordinating with the City of Lincoln and the project proponents of the larger specific plans in order to address this issue to further refine where development may occur and where conservation may occur.

4. The conservation strategy should be further refined to include specific conservation measures, the location and specific acre objectives of conservation lands, and to focus on conservation of existing high value habitats.

**Response:** As discussed in the analysis below, the staff is seeking direction from the Board to develop mapping that provides a higher degree of specificity. While such mapping would not be parcel specific, it would designate large areas of the County to be considered for future conservation. The designation of such areas could be controversial to landowners in the area.

5. Proposed retention of 30% of the growth area in natural habitat as part of the conservation strategy may not be viable or feasible.

**Response:** With a more defined conservation reserve map coupled with well defined biological goals and objectives, it will be possible to better predict where avoidance is beneficial versus where its likely to result in patchy, less viable habitat areas.

6. The conservation strategy relies too heavily on restoration and creation of vernal pool grasslands -- Reliance on parcels as small as 200 acres for conservation purposes within the urban matrix may not be viable.

**Response:** The staff will continue to work with the Wildlife Agencies, the major landowners and the various stakeholders to insure that the PCCP contains appropriately sized conservation reserve areas that provide the necessary functions and values to insure that projects are suitably mitigated. The 200-acre minimum standard would not be eliminated but considered in the context of the viability of the standard given the plan's biological objectives.

7. Exclusion of parcels of less than 20 acres from mitigation obligations related to oak woodlands and grasslands is not appropriate.

**Response:** The staff has the appropriate data to evaluate the amount of impact that can be anticipated with largely rural residential development in blue oak woodland and grassland areas. Recommendations for mitigation and conservation will be based upon a predicted cumulative loss associated with ongoing fragmentation as opposed to outright conversion of native oak woodlands. Mitigation measures will also assume that not all values have been displaced because of the very low density of development and the fact that all resources are not displaced by development.

8. The designation and use of the Development Opportunity (DO) area, Conservation Opportunity (CO) area, and Conservation Management Units (CMU) lack clarity, consistency, and purpose.

**Response:** Other than the value in continuing to use this geographic structure to organize data, the staff will not be using the DO, CO and CMU as the basis of the conservation strategy. The revised conservation strategy will reflect a more specific delineation on the location and value of the conservation reserve areas.

9. The cost share assumptions of the permittees and the State and Federal governments are not yet appropriate.

**Response:** Continue to negotiate with the Wildlife Agencies on the financial contribution from the state and federal government that will be incorporated into the PCCP finance plan. It will be important to provide accurate estimates on what contributions would be forthcoming because such assumptions will help direct the participating agency's finance plan.

10. Habitat Conservation Plan (HCP) 5-point policy issues, as they pertain to the Phase 1 PCCP, should be presented or summarized together in a section of the PCCP

**Response:** Staff, working with the FWS and NOAA Fisheries will insure that the 5-point policy guidance is adequately addressed in the PCCP. Each of these areas has

been previously addressed to some degree so the staff anticipates that refinements and improvements will be a straightforward exercise.

11. The biological goals and objectives lack measurability.

**Response:** The current biological goals and objectives section would be rewritten and will be more comprehensive. The revised chapter will describe clearly measurable objectives that are reflective of an acceptable conservation strategy and the delineation of more specific reserve area. The objectives will be based upon the need of species covered by the plan and would likely not be solely based upon a fixed standard of mitigation ratios.

12. The Monitoring and Adaptive Management components of the conservation plan need to be further developed.

**Response:** The current monitoring and adaptive management section would be rewritten and will be more comprehensive once an acceptable conservation strategy has been prepared. The chapter will be expanded to reflect the specific monitoring requirements of the species covered by the plan and to insure that the biological goals and objectives are being met.

13. Implementation measures need clarification.

**Response:** The staff and consultants will better define implementation measures once the revised conservation strategy is prepared.

13. A Changed and Unforeseen Circumstance section needs to be developed.

**Response:** The staff and consultants will respond to the Wildlife Agency's comment to insure that a section on changed and unforeseen circumstances is adequately prepared. This is an important issue but one that we believe can be readily assessed.

14. Current information is needed regarding plan financing, which is not included in the Agency Review Draft as noted in the County's letter to the Wildlife Agencies dated March 4, 2005.

**Response:** The final finance plan and related implementation items will be prepared after the conservation strategy has been developed. The staff is concerned about spending limited funds on a finance plan in advance of consensus on a conservation strategy. Preliminary cost estimates and financial alternatives have been presented and will be revised once the final conservation strategy has been developed.

**RECOMMENDATIONS:** The Planning Department recommends that the Board take the following actions:

1. Direct the staff to revise the conservation strategy in response to the Wildlife Agency comments
2. Direct the staff to continue to discuss PCCP conservation strategy alternatives with key stakeholders
3. Authorize the staff to prepare generalized mapping with a degree of specificity that includes the identification of large areas for future conservation.
4. Following a review by County Counsel, authorize the Chairman to sign a letter to the FWS regarding the Unit 12 critical habitat boundary with an emphasis on the impact of the boundary on the County's conservation and open space and species conservation objectives.

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**MEMORANDUM**  
**PLACER COUNTY**  
**PLANNING DEPARTMENT**

**TO: BOARD OF SUPERVISORS**

**FROM: PLANNING DEPARTMENT**

**SUBJECT: PLACER COUNTY CONSERVATION PLAN -**

**DATE: June 21, 2005**

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**SUMMARY/ACTION REQUESTED:** The Planning Department is providing the Board with a status report on the preparation of the Placer County Conservation Plan (PCCP) with a particular emphasis on responding to comments from the resource agencies. Staff is also providing the Board with information on key strategic and policy issues that need early consideration related to financing the PCCP. Lastly, staff has a number of recommendations on individual items that will allow the work program to proceed including

1. Direct the staff to revise the conservation strategy in response to the Wildlife Agency comments
2. Direct the staff to continue to discuss PCCP conservation strategy alternatives with key stakeholders
3. Authorize the staff to prepare generalized mapping with a degree of specificity that includes the identification of large areas for future conservation.
4. Authorize the Chairman to sign a letter to the FWS regarding the Unit 12 critical habitat boundary with an emphasis on the impact of the boundary on the County's conservation and open space and species conservation objectives.

**BACKGROUND:** In June 2000, the Board directed the staff to initiate the implementation of the Placer Legacy Program. One of the objectives of the program was to prepare a Natural Communities Conservation Plan and Habitat Conservation Plan in 3 phases. This effort, now referred to as the Placer County Conservation Plan, is nearing completion for the first phase (Exhibit A). The PCCP is intended to provide 50 years of compliance for the following state and federal regulations:

1. Incidental Take Permit - Federal Endangered Species Act
2. Natural Communities Conservation Plan - California Endangered Species Act and Natural Communities Conservation Act
3. Section 404 and 401 of the Federal Clean Water Act related to wetlands and water quality
4. Section 1600 Fish and Game Code - Master streambed modification agreements

**DISCUSSION:** The PCCP is at a critical point in its work program. All of the data needed to prepare the plan has been collected, the science advisors have issued their report, land use and impact projections have been prepared and the administrative draft conservation plan has been prepared. On June 1, 2005 the 3 key resource agencies completed their review of the proposed conservation strategy (i.e., NOAA Fisheries, State Department of Fish and Game and the U.S. Fish and Wildlife Service). Under a parallel work program the U.S. Environmental Protection Agency and the U.S. Army Corps of Engineers are reviewing the proposed County Aquatic Resource Program that will provide regulatory compliance for wetland fills under the Clean Water Act and streambed/streambank impacts regulated under the California Fish and Game Code.

**SUMMARY OF AGENCY COMMENTS:** On March 4, 2005, the County requested a review of the administrative draft PCCP document by the Wildlife Agencies in order to determine whether or not the overall approach of the PCCP would result in a plan that would address the agencies responsibilities and allow for regulatory coverage as noted above. The June 1 letter (Attachment A) covers a range of issues that need to be addressed in order to complete the PCCP.

The issue of greatest concern raised in the resource agency letter relates to the scale and scope of development proposals in the County and Cities of Roseville and Lincoln that have emerged since the inception of the work program. The agencies state in the letter, "...these projects, taken together, have the potential to preclude adequate levels of conservation for species and natural communities proposed for coverage under the Phase 1 PCCP." Based upon additional comments that are provided in the letter, the Wildlife Agencies are concerned that if an expansion of the current pattern of growth in the region continues the displacement of important habitats will occur to such a degree that the remaining habitat may not be of sufficient value or may be so fragmented as to make it impossible to develop a viable conservation strategy and consequently comprehensive regulatory coverage could not be provided. The total amount of growth, measured in dwelling units or square footage of non-residential is not of direct concern, it is the "how and where"

The following is a series of summary statements from the Wildlife Agency's letter with an accompanying explanation/description by staff:

1. We underscore, however, that solutions to all the issues identified below are feasible if Placer County and the plan participants continue to work closely with the Wildlife Agencies. We stand ready to assist in that effort in a collaborative and productive manner, and stress that a successful conservation strategy in Placer County is a high priority for the Wildlife Agencies.

**Discussion:** The Wildlife Agency letter provides direction in a number of issue areas, from finance to the scope and scale of impacts. For the most part, the letter does not provide specific direction on solutions but provides sufficient information on where to focus our efforts on the resolution of the concerns raised.

**Response:** The Wildlife Agencies have devoted considerable public resources to completing this effort. While there are substantial issues to be addressed, their continued support and willingness to negotiate is evident in both their recommendations in their letter and subsequent conversations on how to move the program forward.

2. The general focus of the Agency Review Draft should be redirected from a mitigation strategy to a conservation strategy that contributes to recovery of covered species in the planning area.

**Discussion:** The resource agencies are concerned that the current PCCP does not adequately provide a comprehensive approach to conservation of whole ecosystems. Their concern is that the conservation strategy must meet the needs of the covered species (nesting, foraging, cover, and other critical elements of a species habitat needs) and how each species interacts with others in a viable reserve area. The current strategy does focus too much on the mitigation of particular species without considering conservation needs as a whole. The conservation strategy should not develop mitigation ratios at the outset but instead let such ratios emerge from a strategy that meets its biological goals.

A mitigation-based strategy will typically account for the strict relationship between take of a sensitive species and the compensation for that loss. Such a strategy generally fails to insure that the protected habitat provides essential ecosystem functions with surrounding areas.

**Response:** With the Board's concurrence, the staff is recommending that the conservation strategy be rewritten in such a way as to be responsive to the Wildlife Agency's concerns. The general approach presented in the PCCP with its comprehensive regulatory coverage, provides the basis for such a rewrite. One of the critical elements will be a conservation reserve area map that depicts high value reserve areas (see discussion below). Once it is clear as to where conservation should occur, it will be much easier to define the overall strategy and provide measurable objectives.

3. The historic development pattern in the County carried forward in the Agency Review [PCCP] Draft is likely not compatible with a viable conservation strategy.

**Discussion:** The current development pattern has been thoroughly assessed in the region through the SACOG Blueprint project. The County and the Cities of Roseville and Lincoln are also assessing growth in west Placer through General Plan updates and review of large-scale specific plan proposals.

While the Blueprint effort did not focus as much on impacts to natural communities as it did to impacts on the transportation network, the conclusions nevertheless are quite compelling (i.e., at 2050, 166 square miles of conversion of "greenfields" vs. 102 sq. miles of conversion with the Blueprint implemented). In much the same way that a suburban form of development will generate incredible demands on the infrastructure



and transportation networks, this same form of development will irretrievably displace important natural communities, many of which are key to the survival of a number of state/federally-listed sensitive species.

Much like SACOG, the resource agencies are encouraging an alternative pattern of growth to reduce the need to convert open lands to developed lands. At this time, the PCCP predicts that approximately 54,000 acres of land would be converted to rural residential, suburban and urban land uses. By reducing this total acreage, the amount of impact would be reduced, the obligation for mitigation would be reduced and costs to implement the plan would be reduced. The overall density would increase, but the total number of dwelling units and square footage of non-residential would not necessarily change.

**Response:** Staff has no particular recommendations at this time. The majority of new projects that would be covered by the PCCP are in the review process at this time. In the case of the City of Lincoln, much of the projected impact will come from changes in land use resulting from the City's General Plan update and related sphere of influence expansion. The final outcome of that process cannot be predicted, however the comments provided by the Wildlife Agency staff have been made available to the major landowners in the area. Similarly in this forum and in previous discussions with the Board and also through the regional discussion (BluePrint) sponsored by SACOG, this same question is being debated.

It should be noted that trends in the area seem to point to a responsiveness by local government and project proponents to incorporate the concerns expressed by the Wildlife Agencies. Transportation, infrastructure, habitat impacts and changes in the marketplace are leading to many discussions about how smart growth concepts can be integrated into new projects. In particular, County staff will continue to focus efforts on coordinating with the City of Lincoln and the project proponents of the larger specific plans in order to address this issue to further refine where development may occur and where conservation may occur.

4. The conservation strategy should be further refined to include specific conservation measures, the location and specific acre objectives of conservation lands, and to focus on conservation of existing high value habitats.

**Discussion:** The agencies are seeking to have the participating agencies be more specific as to what areas of the County are to be developed and what areas are to be prioritized for conservation. At present the PCCP defines acreage objectives for large geographic areas but does not specify which areas are to be prioritized for protection except as an acreage objective. The revised PCCP would include mapping that would depict specific areas that would be acquired (fee title or conservation easement) over the 50-year term of the permit.

The primary issue is that the participating agencies need to generally identify areas that are identified for future conservation needs. Because much of the anticipated

growth will occur decades from now, such areas would need to be reserved for future acquisitions in that much of the requirement for protection may be years away. This approach is similar to other multi species HCPs and NCCPs adopted in California and for multi-species habitat conservation plans throughout the United States.

**Response:** As discussed in the analysis below, the staff is seeking direction from the Board to develop mapping that provides a higher degree of specificity. While such mapping would not be parcel specific, it would designate large areas of the County to be considered for future conservation. The designation of such areas could be controversial to landowners in the area.

5. Proposed retention of 30% of the growth area in natural habitat as part of the conservation strategy may not be viable or feasible.

**Discussion:** The administrative draft PCCP assumes that 30% of the vernal pool resources that are assumed to be in developing areas (as depicted in the "Development Opportunity Area" on Exhibit B) are avoided. The PCCP makes additional assumptions about resources that are avoided versus impacted between now and 2050. As in all predictions or assumptions they are based upon a review of past trends and the need to respond to changes that may occur in the future (e.g. regulatory changes and changes in the physical environment).

In summary, the Wildlife Agencies concerns are twofold: 1) They are concerned that the PCCP's assumptions could result in avoided resources that would be small, isolated, and located within an urban/suburban matrix. Such isolated features would likely lose value and are difficult to manage (e.g., it is difficult to graze and/or burn vernal pool grasslands or Swainson's Hawk foraging areas in a urban setting). 2) Coupled with the first issue, they are concerned that the avoided resources, with their diminished values, would not represent an adequate level of avoidance and not serve to provide for the full measure of necessary conservation.

Because vernal pool resources are becoming increasingly scarce in Placer County and because the development footprint is proposed where these resources exist, the amount and quality of avoided vernal pool resources is critical to the viability of any conservation strategy for these resources.

**Response:** With a more defined conservation reserve map coupled with well defined biological goals and objectives, it will be possible to better predict where avoidance is beneficial versus where its likely to result in patchy, less viable habitat areas. Additionally project proponents that provide information that depicts how impacts to vernal pool resources on their project can be avoided such that avoided areas are viable and exceed the 30% assumption, the viability of the PCCP will increase.

6. The conservation strategy relies too heavily on restoration and creation of vernal pool grasslands -- Reliance on parcels as small as 200 acres for conservation purposes within the urban matrix may not be viable.

**Discussion:** The resource agencies are concerned that smaller, fragmented parcels will not, over time, create a viable reserve system. For example a reserve area consisting of 10, 200-acre parcels that area separate and fragmented is likely to have diminished values compared to a single reserve area of 2,000 acres. While the total acres may be ultimately protected in the first scenario, they will be partially within a fragmented condition in an environment dominated by urban, suburban and rural residential land uses. Management of numerous, fragmented parcels is more costly and the type of management activities may be severely curtailed (e.g., burning of grasslands or certain farming practices that may be required).

The 200-acre standard is a minimum standard, which was derived from the Science Advisors Report. Because of the Science Advisors recommendations, the standard is presumably an acceptable minimum reserve size. So the concern is chiefly associated with where a reserve parcel of 200 acres would be located.

The agencies are strongly encouraging the participating agencies to develop a reserve system of a few, large areas that can be suitably maintained, are buffered from incompatible land uses, provide for economies of scale and provide for a system of interconnected and interrelated habitat types functioning as an ecosystem. As noted above, the Wildlife Agencies are asking that this reserve area be depicted as a part of the PCCP's conservation strategy.

The creation/restoration issue relates to replacing lost values through physically modifying a parcel of land to improve its habitat values – presumably to replace those values lost to a land development project. Creation is the act of establishing values where no value was historically present or original habitat conditions have been so modified that no values are present today. Restoration is the act of improving or enhancing values that are present and minor changes can be made to the physical condition of a parcel to replace historical values lost.

A plan that focuses on creation (e.g., building wetlands where no wetland values are present) is expensive, provides less predictable resource values and requires additional monitoring to insure biological objectives are met. The preference of the Wildlife Agencies is for increased conservation of existing resources as opposed to reestablishing habitat. Where conservation alone cannot me biological objectives, restoration is preferred over conservation.

Another concern related to creation, particularly of vernal pools on rice land, is the irreversible loss of high-production agricultural land to permanent habitat. The preference instead, is for restoration of vernal pools in grassland areas where they previously were present.

**Response:** The staff will continue to work with the Wildlife Agencies, the major landowners and the various stakeholders to insure that the PCCP contains appropriately sized conservation reserve areas that provide the necessary functions and

values to insure that projects are suitably mitigated. The 200-acre minimum standard would not be eliminated but considered in the context of the viability of the standard given the plan's biological objectives.

7. Exclusion of parcels of less than 20 acres from mitigation obligations related to oak woodlands and grasslands is not appropriate.

**Discussion:** The current draft of the PCCP assumes that impacts on grassland and oak woodlands on parcels of land 20 acres and less in area would not be mitigated through the PCCP. Mitigation to these areas would occur on a project-by-project basis through the application of local ordinances and environmental mitigation (CEQA and NEPA if applicable).

The resource agencies are concerned that these impacts are individually minor but cumulatively very significant. There are thousands of acres of land designated Rural Residential on the Placer County General Plan and the continued fragmentation of this area into smaller and smaller units of land will result in significant impacts on natural communities including habitat for endangered species. There is substantially more acreage at risk to conversion by continued fragmentation than lands impacted through urban conversions. The difficulty in assessing an impact in this area is that the fragmentation that is projected to occur over the next 50 years is occurring in an area that is already highly fragmented. Also, the pattern of growth in rural residential areas does not displace all the values present.

Subdivision of ranches and old orchard areas has been occurring since the 1950's and as a consequence the historic, native resources of Placer County have long since been replaced. Significant values are present today and the continued subdivision of land and introduction of new land uses will diminish those values.

The resource agencies are stating that the PCCP needs to include the evaluation of impacts in these areas and provide for an appropriate level of mitigation and conservation.

**Response:** The staff has the appropriate data to evaluate the amount of impact that can be anticipated with largely rural residential development in blue oak woodland and grassland areas. Recommendations for mitigation and conservation will be based upon a predicted cumulative loss associated with ongoing fragmentation as opposed to outright conversion of native oak woodlands. Mitigation measures will also assume that not all values have been displaced because of the very low density of development and the fact that all resources are not displaced by development.

8. The designation and use of the Development Opportunity (DO) area, Conservation Opportunity (CO) area, and Conservation Management Units (CMU) lack clarity, consistency, and purpose.

**Discussion:** The use of the terms Development Opportunity Area and Conservation Opportunity Area were originally intended to organize data for the 2050 growth projections. These areas are not site specific as to where growth is exactly to occur and where conservation is to occur. The primary reason is that predictions about growth are just that – predictions. It is not possible to increase the understanding of where growth is to occur without general plan amendments. Because the PCCP does not amend the General Plan land use diagram, it would be inappropriate for the PCCP to depict such areas with any degree of clarity that presupposes a decision of a future Board or City Council.

The Conservation Management Unit was the proposed means by which the PCCP would be implemented (Exhibit C). Rather than depicting specific high value conservation areas, the CMU would define acquisition and restoration objectives and development assumptions for a large geographic area. As discussed in Issue No. 3 above, the agencies are requiring that there be a higher degree of specificity in the PCCP including the designation of areas as conservation reserve areas for future acquisition.

**Response:** Other than the value in continuing to use this geographic structure to organize data, the staff will not be using the DO, CO and CMU as the basis of the conservation strategy. The revised conservation strategy will reflect a more specific delineation on the location and value of the conservation reserve areas.

9. The cost share assumptions of the permittees and the State and Federal governments are not yet appropriate.

**Discussion:** The PCCP currently assumes that 27% of the total obligation to implement the plan over 50-years is a state/federal contribution. This was a conservative estimate based upon experiences elsewhere in California (southern California NCCP efforts have exceeded this percentage). The final determination of the appropriate contribution will come once the financial alternatives analysis is completed this fall/winter. The financial alternatives analysis cannot be completed until such time that there is general concurrence on the conservation strategy (Issue No. 1 above). The Wildlife Agency contributions would not be used for mitigation in that impacts must be mitigated by the permittees. The Wildlife Agency financial assistance would be applied to insuring that the overall conservation strategy is viable beyond the strict nexus requirements of mitigation.

**Response:** Continue to negotiate with the Wildlife Agencies on the financial contribution from the state and federal government that will be incorporated into the PCCP finance plan. It will be important to provide accurate estimates on what contributions would be forthcoming because such assumptions will help direct the participating agency's finance plan.

10. Habitat Conservation Plan (HCP) 5-point policy issues, as they pertain to the Phase 1 PCCP, should be presented or summarized together in a section of the PCCP

**Discussion:** In 1999 the U.S. Fish and Wildlife Service amended the federal guidelines used to prepare habitat conservation plans (HCP). This amendment, known as the 5-point policy initiative, provided additional guidance on the following:

- a. To establish biological goals for HCPs,
- b. To clarify and expand the use of adaptive management.
- c. To clarify the use of monitoring.
- d. To provide criteria to be considered by the Services in determining incidental take permit duration.
- e. To expand the use of public participation.

**Response:** Staff, working with the FWS and NOAA Fisheries will insure that the 5-point policy guidance is adequately addressed in the PCCP. Each of these areas has been previously addressed to some degree so the staff anticipates that refinements and improvements will be a straightforward exercise.

11. The biological goals and objectives lack measurability.

**Discussion:** The Wildlife Agencies are asking for more specificity on the goals and more importantly, the measurable objectives of the PCCP (e.g., how many acres to be protected, restored, species population targets, etc.). The current PCCP largely derives its goals and objectives from a ratio-based approach to project mitigation/conservation. The revised PCCP would develop the biological goals and objectives first. The mitigation ratios would essentially fall out of the final determination of how much land was required to meet the biological objectives.

**Response:** The current biological goals and objectives section would be rewritten and will be more comprehensive. The revised chapter will describe clearly measurable objectives that are reflective of an acceptable conservation strategy and the delineation of more specific reserve area. The objectives will be based upon the need of species covered by the plan and would likely not be solely based upon a fixed standard of mitigation ratios. Ratios will help define the acreage needs of the PCCP based upon the goals and objectives.;

12. The Monitoring and Adaptive Management components of the conservation plan need to be further developed.

**Discussion:** Monitoring is the ongoing process of evaluating the reserve area properties to insure that the requirements of the PCCP are being met and that the needs of species to survive and recover are evident. Adaptive management is the process of responding to your monitoring data and changes in environmental conditions. A given property's management approach would "adapt" to the new information or new conditions.

**Response:** The current monitoring and adaptive management section would be rewritten and will be more comprehensive once an acceptable conservation strategy

has been prepared. The chapter will be expanded to reflect the specific monitoring requirements of the species covered by the plan and to insure that the biological goals and objectives are being met.

13. Implementation measures need clarification.

**Discussion:** Implementation of the PCCP requires considerable commitment politically and financially. Implementation will address governance, finance, land management, permitting, interagency coordination and other administrative functions. Final decisions on implementation cannot be made at this time given the anticipated changes to the PCCP. It is necessary to further develop consensus on the conservation plan and to develop consensus on governance in order to provide additional details on implementation.

How the PCCP gets implemented will be better understood once the conservation strategy has been agreed to and the responsibilities from agency to agency are better understood. The staff will work closely with the Participating Agencies as well as with the resource agencies to insure that implementation meets the requirements of state and federal law.

Governance is a key element of implementation. The letter is requesting that the participating agencies jointly manage the implementation of the PCCP. This is important in that it would preclude individual entities (the County, PCWA, City of Lincoln, etc. from managing their own permits, land acquisition and overall administration of the work program. The participating agencies would need to work together.

**Response:** The staff and consultants will better define implementation measures once the revised conservation strategy is prepared.

13. A Changed and Unforeseen Circumstance section needs to be developed.

**Discussion:** The resource agencies are asking for additional information that accounts for unforeseen changes in circumstances. This is important over the life of the permit (50-years) and because of the in perpetuity management obligations of the participating agencies. A good example is the recent fires that occurred in San Diego County, much of which occurred on lands protected by the NCCP in that area. The management needs changed dramatically as a consequence of those devastating fires.

**Response:** The staff and consultants will respond to the Wildlife Agency's comment to insure that a section on changed and unforeseen circumstances is adequately prepared. This is an important issue but one that we believe can be readily assessed.

14. Current information is needed regarding plan financing, which is not included in the Agency Review Draft as noted in the County's letter to the Wildlife Agencies dated March 4, 2005.

**Discussion:** In order to complete the PCCP, the program must include a finance plan that provides sufficient assurances that the acquisition, monitoring and administrative requirements can be satisfied. The finance plan cannot be drafted until such time that there is consensus on the scope of regulatory coverage including the total obligation of all parties to mitigate their impacts. Once

**Response:** The finance plan and related implementation items will be prepared after the conservation strategy has been developed. The staff is concerned about spending limited funds on a finance plan in advance of consensus on a conservation strategy. Preliminary cost estimates and financial alternatives have been presented and will be revised once the final conservation strategy has been developed.

**ANALYSIS:** The resource agencies comments are comprehensive and substantive. More importantly they are instructive as to what steps the County should take in order to complete this program and begin implementation.

The participating agencies have requested coverage for a substantial amount of development (Table 1). Over the next 50-years approximately 54,300 acres of land would be converted to development if current estimates hold true. The challenge to the participating agencies is to provide a comprehensive conservation plan with adequate financial assurances that gives the Wildlife Agencies the confidence to relinquish much of their permitting authority to the local level. To do so will require a higher degree of specificity than is provided in the current PCCP.

**Table 1**  
**Projected Land Conversion 2002 -2050 (Measured in Acres)**

<b>Geographic Area</b>	<b>Acres</b>	<b>Percent of total</b>
Development Opportunity Area--County	9,700	14%
Development Opportunity Area--Lincoln Planning Area	8,500	13%
Existing Urban and Built Up - County	21,100	31%
Existing Urban and Built Up - Lincoln	4,700	7%
Rural Residential - County	10,300	15%
Non Participating Cities	13,000	19%
<b>Total Phase 1 Area</b>	<b>67,300</b>	<b>100%</b>
PCCP area excluding non-participating cities	<b>54,300</b>	

#### **Reserve Area Mapping**

One of the most important steps the participating agencies can take to move the PCCP in a direction that could lead to resource agency support is the preparation of geographically-specific mapping that depicts the high priority reserve areas and the extent to which these areas need to be conserved. At this time the PCCP describes acquisition objectives for a number of geographic regions of western Placer County. The acreage objectives would be met over time as development proceeds to impact the natural landscape.



The Wildlife Agencies have stated that the current approach does not provide a sufficient level of specificity to know whether or not the species covered by the PCCP can survive and recover. By identifying the areas of high value and directing acquisition and restoration efforts into those areas, the Wildlife Agencies can evaluate the potential for the PCCP to meet conservation objectives over time.

Based upon our discussions with the agencies, we do not think it will be possible for the agencies to approve the PCCP without a greater degree of specificity on where conservation and restoration is to occur. Furthermore, based upon discussions with the County Counsel, Resources Law Group (the County's legal counsel), Wildlife Agency counsel and legal counsel representing a number of property owners, it is our opinion that preparing more specific information enhances the defensibility of the PCCP from litigation for failing to provide specificity to meet biological goals and objectives.

One of the most important elements of a reserve area map would be the depiction of areas that would not see wholesale conversion of land over time. The County and other participating agencies would have to avoid making land use changes (e.g., general plan amendments) in the potential reserve area until such time that the resources are protected or the plan objectives have been met.

Reserve area mapping would not depict specific parcels nor would it target precise areas for long-term conservation. However, the preparation of such mapping will go beyond the policy language of the Placer County General Plan, the Placer Legacy Program and PCCP documents prepared to date in terms of identifying areas of the County that will need to be protected in order to meet the PCCP goals and objectives. In that virtually all land in Placer County being considered for protection is held by the private sector and most of that land is used for some type of agricultural production, the revised mapping will depict privately held farmland and would recommend that such lands be protected. Much of this land would remain in agricultural production

#### **Comments of the Biological Stakeholder Working Group (BWG)**

Eleven members of the public have been meeting since the inception of the work program to help guide decisions on the PCCP from the perspective of a number of stakeholder interests.

On May 26, 2005 the BWG met to discuss the PCCP as it was represented in an Executive Summary. BWG members made a number of comments during the course of the discussion. In three areas, a consensus was reached between members of the environmental community and building industry. Additional written comments were provided by BWG member Sean Booth and are incorporated into this report as Exhibit D. These comments and other comments yet to be provided will be considered by staff and the Wildlife Agencies as the revised conservation strategy is prepared.

1. **Consensus: Environmental/Building Industry:** There is a need to identify prioritized conservation areas. A developing property owner would have an incentive built into the PCCP to acquire the higher value conservation areas if such areas were

identified as a part of the plan. The PCCP should provide flexibility including the possible use of out-of-kind mitigation in order to insure that the high value areas get set aside. Parcel size, connectivity, the relationship to surrounding land uses and habitat values are all attributes that would be considered high value. Mitigation credit "trading" could be an element of flexibility. Such trading would allow the assignment of "credits" to high value property and the subsequent sale or trading of those credits would provide an incentive to buy the best of the best (highest value areas include size, connectivity, habitat value, etc.).

2. **Consensus: Environmental/Building Industry** - A conservation strategy solely dependent upon ratios and calculations of mitigation does not include a qualitative assessment of the value of the area of impact and the area to be preserved. The characteristics of the area being impacted and the area considered for acquisition must both be considered.

For example, the current PCCP assumes that vernal pool complexes have uniform values and the wetland to upland ratio is approximately 5%:95%. The concern is that the strict adherence to a simple uniform standard as opposed to a measurement of value at the area of impact and the area of conservation (e.g., parcel size, connectivity, wetland density, intact hydrology, etc.) is not taking into account the variability in the landscape. The key question to be answered by the conservation strategy is what do you need for the species and how can the PCCP provide for that given a highly variable landscape.

3. **Consensus: Environmental Community/Building Industry** - The current trend in resource permitting (primarily for federal wetlands), results in patchy, avoided, isolated, fragments of habitat which are not viable in the long term. These areas are difficult to maintain and the costs of maintenance are high. They also do not result in an efficient use of land. The high costs are passed on to the consumer in housing costs. That is one element that works against meeting affordable housing goals. The conservation strategy seeks to replace avoidance-based mitigation standards with offsite mitigation when it is clear that the avoided resource will provide limited or no benefits over time.

## **FUNDING ALTERNATIVES**

The largest percentage of costs required to implement the PCCP will be borne by new development needing regulatory coverage for impacts to species and habitat. The greatest percentage of participation will come from new development in unincorporated western Placer County and the City of Lincoln. A summary of the costs previously presented to the Board is included as Exhibit E.

The County has contracted with Hausrath Economics Group and Muni-Financial to assist with the development of a funding program for the PCCP. These firms have identified a number of funding alternatives as well as some key strategic and policy issues that need early consideration. The staff believes that an early understanding of these issues will be important to insure that the participating agencies can make timely decisions on implementation of the

PCCP as the work program closes. One of the criticisms of programs like the PCCP is the lack of financial assurances to guarantee successful implementation.

At this time the staff is presenting four critical issues for early consideration by the Board:

- Reservation of sufficient lien to value for future debt capacity to fund the PCCP
- Encouraging land dedication over a fee payment option
- Consideration of an endowment for future ongoing costs including the assignment of that endowment to an entity that can earn a greater rate of return
- Upfront purchase of conservation land through debt financing as opposed to pay-as-you-go

### **Reservation of Debt Capacity**

If public debt financing is to be considered to finance infrastructure for future development such as, schools, parks and transportation facilities, the County should consider reserving a portion of that capacity to help meet PCCP requirements. Infrastructure costs for new development could easily exceed a billion dollars and much of this infrastructure may be financed through public finance methods (e.g., Mello-Roos Community Facilities Districts). Some of these same public financing options can be used to meet PCCP requirements. Because public debt uses the land as security for the debt, there are limitations on how much a given project can borrow against the value of the land. Consequently, there may be competition for the use of this finance tool. If all of the debt capacity is used for infrastructure projects, there may be insufficient debt capacity for PCCP obligations. The key message is to utilize the advantages of public debt financing to the maximum extent possible. If PCCP obligations can be funded through the use of public finance, and other project elements can be funded through other means, it may be appropriate to reserve a portion of the debt capacity for PCCP impacts.

### **Encourage Land Dedication**

Where possible, the participating agencies should encourage the dedication of land to meet PCCP requirements. A program that is 100% fee based will always have difficulty maintaining a fee schedule that is current with inflationary rates and land price escalation. By encouraging land dedication, no fees or limited fees would be required for a given project. A property owner would meet his/her obligations by buying compensatory lands upfront and then dedicating those lands, or an easement over those lands, to the entity managing PCCP lands. Ideally compensatory properties would be purchased early in the years of the PCCP program to avoid future land price increases. Thousands of acres of lands are being evaluated for just such a purpose today in Placer County.

### **Endowments**

As previously discussed, annual operating costs could be around \$10M/year after a number of years of management and monitoring of thousands of acres of land. Identifying a means of funding this requirement on an annual basis is one of the greatest financial challenges of the PCCP. One method to provide reliable funding is by establishing an endowment base in an interest-bearing account that provides funds equal to the annual obligations that will grow over time. The endowment would be set up to yield an annual rate of return equal to the

operational costs plus contingencies. Because of conservative rates of return (e.g., approximately 2% per year if invested by the County), such an endowment could require \$300-\$500M. The endowment would be collected through fee payments made at the time a project mitigated resource impacts.

While the endowment can generate sufficient revenues to meet PCCP obligations it requires a substantial payment and ties up significant funds. It is possible to utilize less conservative investment strategies if the County does not hold the funds.

### **Upfront Purchase of Conservation Lands**

The participating agencies should make it a priority to acquire as much conservation land as possible early in the implementation of the PCCP. This would avoid substantial cost increases due to typical market trends for this area and scarcity issues that could be evident with fewer and fewer viable habitat areas being available to conserve as time goes by. If a pay-as-you-go approach is used, it's entirely possible for market forces to outstrip the ability of a project to afford the cost of mitigation if price escalation of conservation land becomes cost prohibitive. A number of methods could be used to acquire lands early, including public debt financing and land dedication discussed above.

**NEXT STEPS/TIMELINE:** The most immediate next step is to directly respond to the comments by the Wildlife Agencies. Staff has met, and will continue to meet, with Wildlife Agency staff, property owners, environmental interests, agricultural interests and other stakeholders in order to prepare a public review draft PCCP that is responsive to agency comments and still reflective of stakeholder concerns. In the short term the following steps are anticipated:

- Meet and discuss Wildlife Agency comments with those agencies
- Modify the work program to respond to the agency comments
- Continue to negotiate with key stakeholders including those landowners who have shown an interest in assisting with the identification of potential reserve areas.
- Prepare a prioritized reserve area map including the identification of core reserve areas that build on existing preserves and potential new preserve areas
- Develop consensus on the conservation strategy with the Wildlife Agencies, participating agencies and stakeholders
- Prepare a revised PCCP and supporting documents
- Prepare the finance plan, implementation agreement, and the EIR/EIS

There are policy-level decisions dealing with the broad choices and options and key components of the various documents that must be approved in order for the program to proceed towards implementation. There will be opportunities for key stakeholders and the public to review the program and provide comment. It is anticipated that some of these decisions would be considered concurrently.

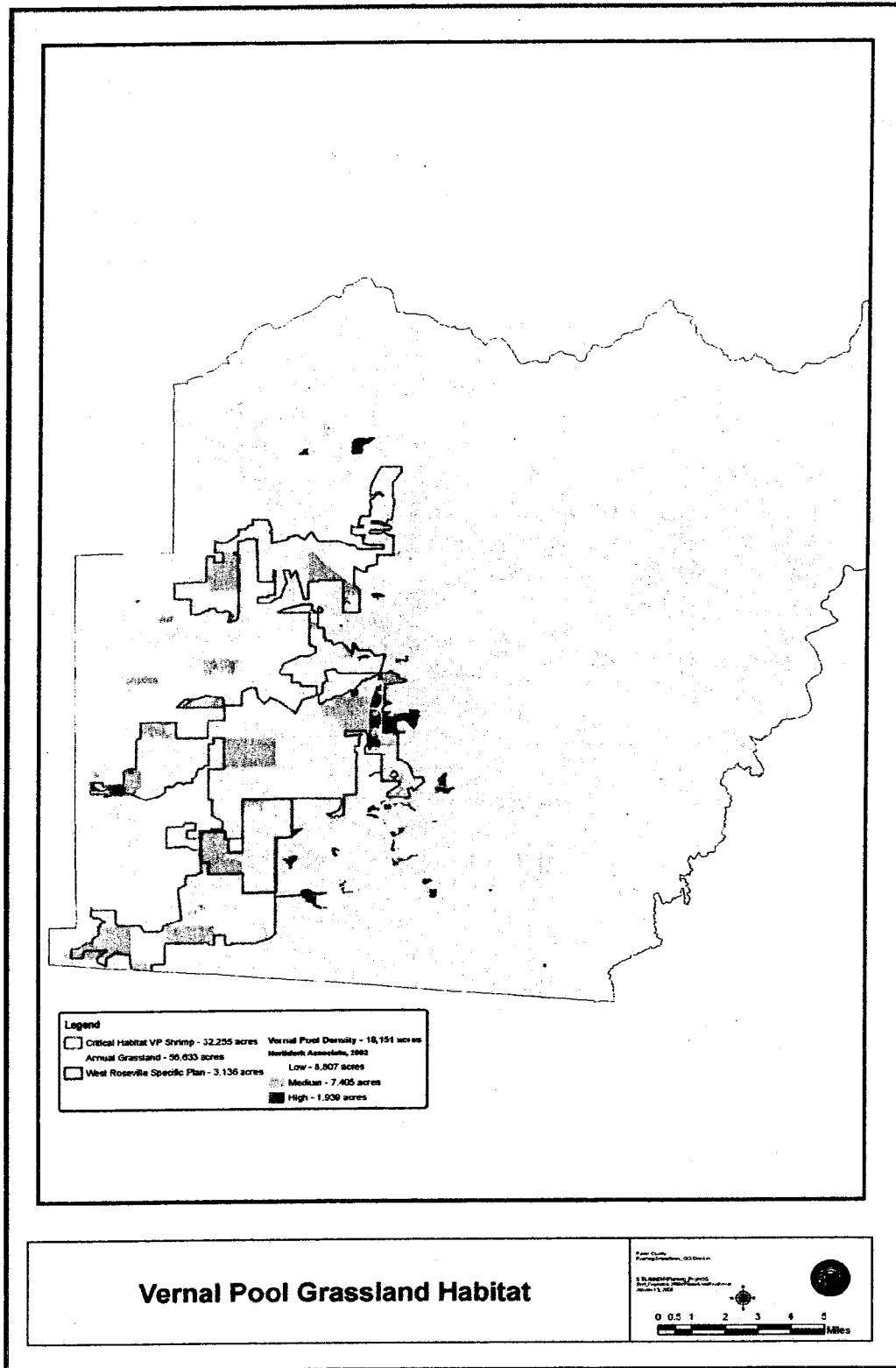
**Table 4**  
**PCCP Schedule**

<b>Tentative Timeline</b>	<b>BOS action Needed</b>	<b>Task</b>
June 2005		Agencies complete review of PCCP
June 2005		Biological stakeholder working group meetings on the Plan
June 2005	X	Review of agency comments and biological working group comments, direction on mitigation strategy response.
July 2005		BWG review of financing plan and governance alternatives
August 2005	X	Review of financing plan with decision on funding scheme.
October 2005		BWG review of draft Implementing Agreement
December 2005	X	Review of governance alternatives, financial alternatives and draft conservation plan
Winter 2006		Circulation of the draft EIR/EIS
Winter 2006		Circulation of the PCCP and Finance Plan.
Fall 2005/Winter 2006		Preparation of Implementing Agreement
Spring 2006	X	Review of draft Implementing Agreement and provide final direction to proceed
December 2006	X	Approval of final governance structure
December 2006	X	Approval of final Implementing Agreement
December 2006	X	Certification of the Final EIR/EIS

In terms of Board interaction, the objective is to provide the Board with an update in August or September that describes how the PCCP is to be revised and how the program can be financed. In December the Board will to be provided with all of the essential elements of the PCCP with a decision to proceed to completion or to halt the work program.

**VERNAL POOL CRITICAL HABITAT:** This issue continues to be a significant issue affecting economic development activities in South Placer. "Critical habitat" is habitat that is essential for the conservation of federally-protected endangered or threatened species. The FWS designates critical habitat through a formal rule-making process. A critical habitat designation may include land that does not contain the species ("unoccupied habitat"), as well as land that does ("occupied habitat"). In Placer County we have a large area of vernal pool habitat designated as critical habitat by the FWS. The area, known as "Unit 12" includes over 30,000 acres of vernal pool complexes (See Figure 1).

**Figure 1 – Vernal Pool Critical Habitat 12**



### **Relationship to the PCCP**

In the absence of the PCCP, the FWS is recommending an avoidance standard of 85% for the vernal pools complexes in the critical habitat area depicted in Figure 1 above. With the PCCP adopted, the critical habitat designation would be withdrawn. The PCCP proposed mitigation ratio of 2:1 (this ratio results in the conservation of 66% of all vernal pool complexes in Placer County) would replace the 85% standard. A 2:1 standard is consistent with what is being required today. This reduction provides greater flexibility to meet the economic objectives of the County and City of Lincoln. While no commitments have been made because of the need to amend the conservation strategy, we do believe such an amendment is possible. This is important in the respect that high quality vernal pools, in areas where conservation is possible, cannot currently make a contribution because they are outside the Unit 12 boundary. With the withdrawal of the Unit 12 boundary, all vernal pool complexes in Placer County can be considered for conservation. This creates flexibility, improves the scarcity impacts on costs, and leads to greater opportunities to identify reserve areas outside of areas expected to see growth.

### **Public Comment Letter**

The Board of Supervisors has previously authorized the Chair to sign a letter on behalf of the Board on the effect that the critical habitat designation for vernal pool species will have on economic development activities for decades and on the ability to prepare and successfully implement the PCCP. We anticipate that in July 2005, there will be another opportunity to provide public comment on the critical habitat boundary and proposed recovery plan for vernal pool species. In particular, the U.S. Fish and Wildlife Service will be requesting public comment on its proposal to exclude certain California counties (Butte, Sacramento, Solano, Madera, and Merced) from the critical habitat area out of concerns about the economic impact on those counties.

In the Chair's previous letter to the FWS, the Board pointed out that the PCCP provides the best-informed and most achievable strategy for species recovery and compliance with the ESA in western Placer County. It also stated that the FWS should exclude the area covered by the PCCP from the critical habitat designation. To protect the County's interest in controlling its own fate with regard to growth and land use in the County, the County should be prepared to reiterate and elaborate upon these comments during the upcoming public comment period on the FWS' "economic exclusion" proposal.

**RECOMMENDATIONS:** The Planning Department recommends that the Board take the following actions:

1. Direct the staff to revise the conservation strategy in response to the Wildlife Agency comments
2. Direct the staff to continue to discuss PCCP conservation strategy alternatives with key stakeholders
3. Authorize the staff to prepare generalized mapping with a degree of specificity that includes the identification of large areas for future conservation.
4. Following a review by County Counsel, authorize the Chairman to sign a letter to the FWS regarding the Unit 12 critical habitat boundary with an emphasis on the impact

of the boundary on the County's conservation and open space and species conservation objectives.

Respectfully Submitted



Loren E. Clark  
Assistant Director of Planning

**EXHIBITS:** The following exhibits are provided for the Board's consideration:

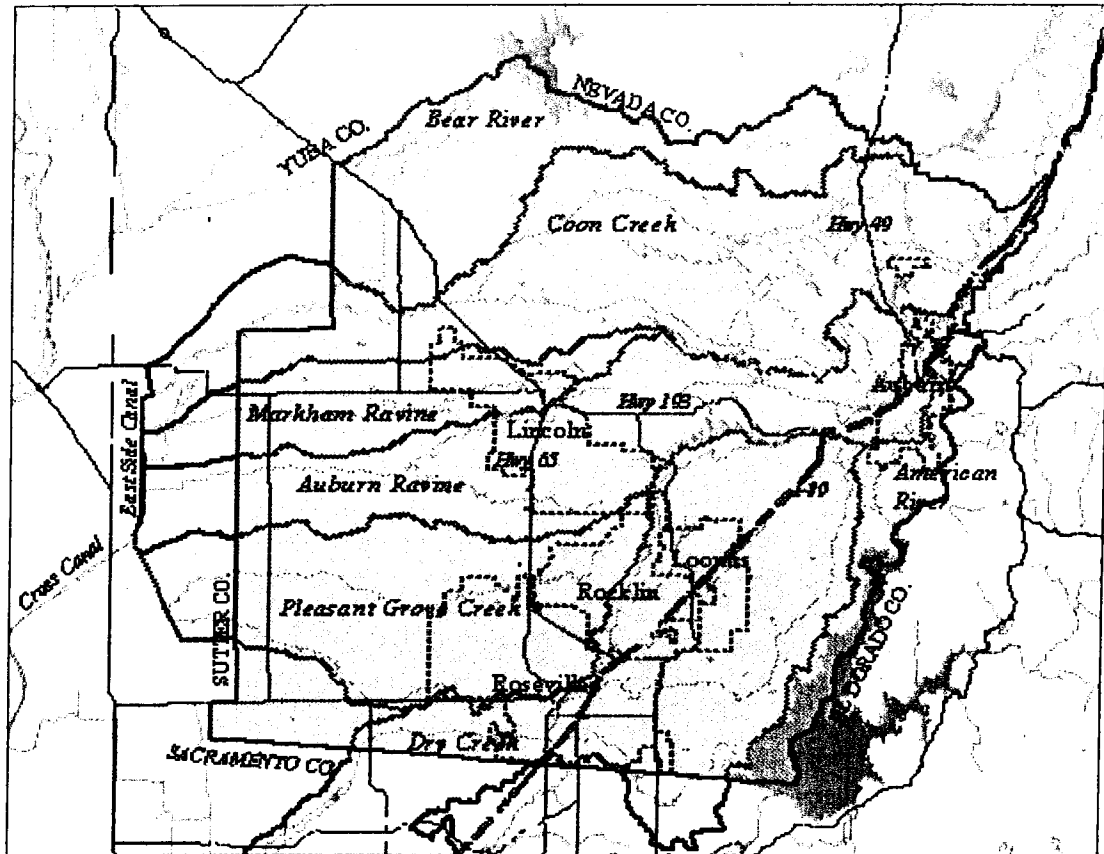
Exhibit A:	Phase 1 Boundary
Exhibit B:	Phase 1 Development and Conservation Opportunity Areas
Exhibit C:	Conservation Management Unit Boundary
Exhibit D:	Letter from BWG Sean Booth
Exhibit E:	PCCP Cost Summary
Exhibit F:	Agency Comment Letter from California Department of Fish and Game, U.S. Fish and Wildlife Service and NOAA Fisheries

cc: Jan Christofferson, County Executive Officer  
Anthony LaBouff, County Counsel  
Rod Campbell, City of Lincoln  
Einar Maisch, PCWA  
Celia McAdams, PCTPA  
Rich Gresham, RCD  
Tom Miller, Comm. Dev Res. Agency.  
Chris Beale, Resources Law Group  
BWG Members  
IWG Members  
Sally Nielsen, HEG  
Thomas Reid & Associates

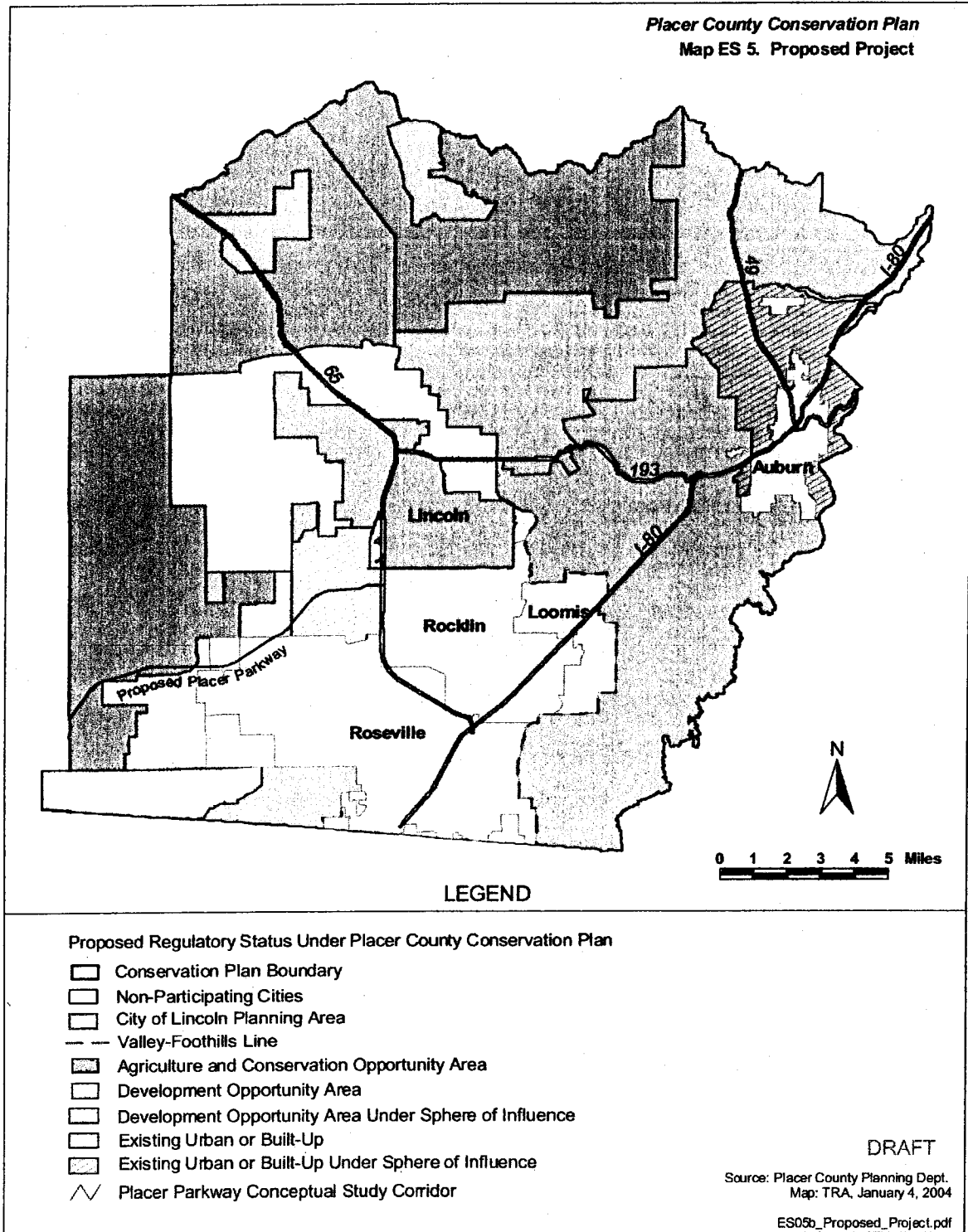
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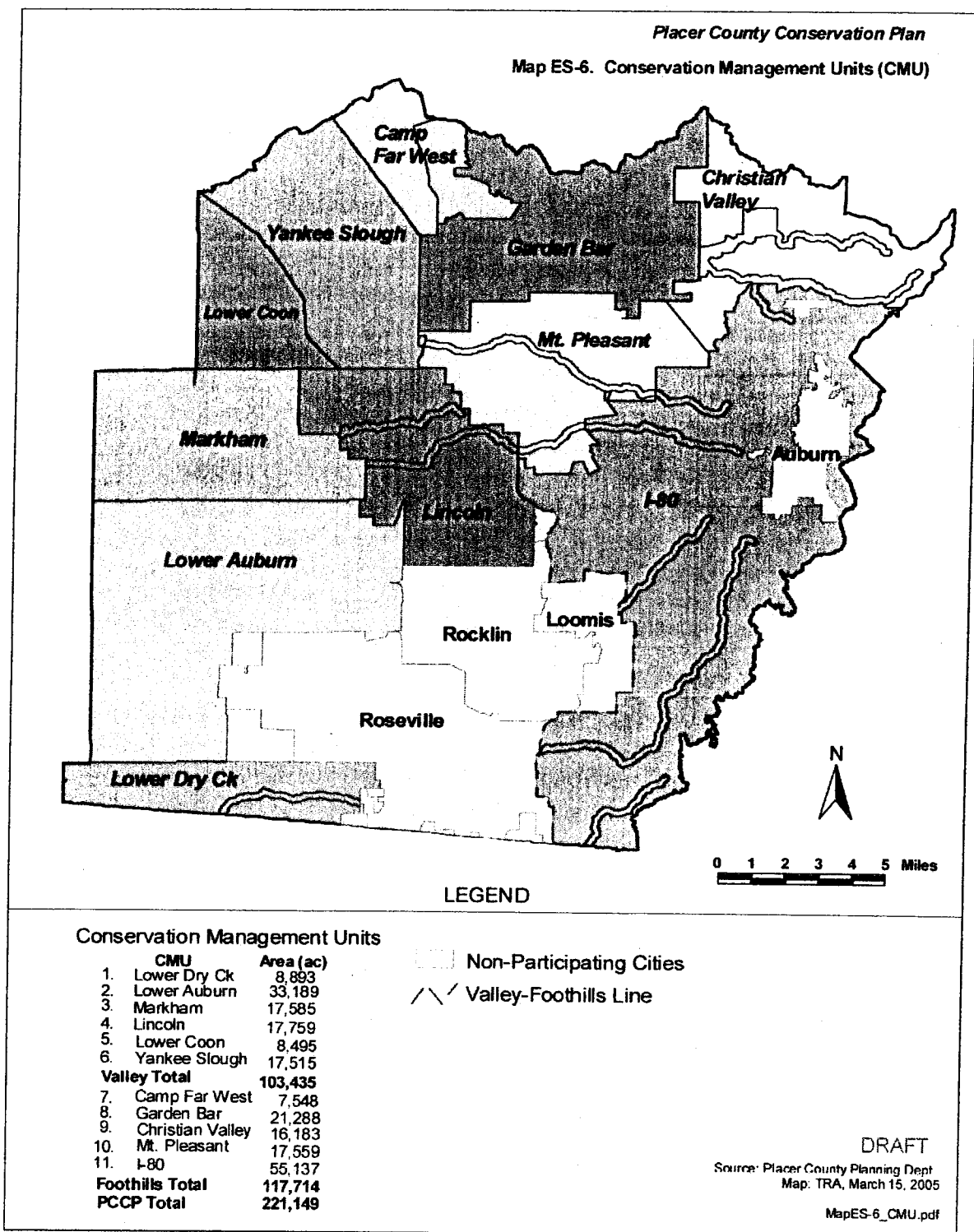
**Exhibit A**  
**PCCP Phase 1 Boundary**



# **Exhibit B** **Phase 1 PCCP Development and Conservation Opportunity Areas**



# Exhibit C Conservation Management Unit Map



## **Exhibit D**

### **Comments submitted to Placer County Planning Office - June 2005 Member of BWG - Sean Booth, Sierra College**

Because I will not be able to attend the next BWG meeting during the summer, I would like to reiterate my comments from last meeting (May 26, 2005). I will also elaborate on a "Green Belt" or "Agriculture / Conservation buffer zone" concept. A map is provided at the end of this letter.

#### **Fixed Geography, Proposed Development and the Placer Parkway**

- A mitigation strategy as presented will not work as the sole mechanism to conserve what precious little grassland remain. Likewise it's clear this strategy will continue to allow fragmentation of the rural residential land that exist in the northern foothills of Western Placer County. Already too many large-scale projects have been approved, such as Bickford and adjacent projects, that have radically altered the character of the rural foothills between Rocklin and Lincoln.
- As indicated by the Agencies comments (June 1<sup>st</sup>, 2005), a conservation strategy is not only necessary but imperative given the rate and scale of recent development. This is especially important in areas where the corresponding alluvial soils and volcanic mudflows lie along the flank of the Sierra Nevada foothills. That geography is fixed and critical habitat exists directly in the path of proposed development.
- To heighten the challenge, a proposed freeway (parkway) will run directly through these areas, further fragmenting critical habitat areas. This new corridor will induce growth (unless adjacent areas are explicitly set aside as an Agriculture and Conservation area), further exacerbating the situation. While the corridor path is unclear, it's clear the options are now very limited given current restraints imposed by rapid development along Highway 65.

The Dry Creek watershed should also be considered as an alternative pathway to link I-80 with Baseline road in the future. While this certainly will be unfavorable to local landowners, perhaps the City of Roseville, the Dry Creek Conservancy (DCC) as well as the Placer Vineyards plan, geographically this concept makes more sense than an indirect route via Hwy 65. Equally important, this opens more options for an intact and viable conservation area.

#### **General Comments on Growth**

The rate of the greater Sacramento area is comparable now to larger, more recognizable areas of high growth in California, such as San Diego, Los Angeles, and the San Francisco Bay Area. With such comparable, rapid rates of growth, at the last meeting I stressed that a clear delineation between the urban areas

and agricultural / habitat conservation areas must be established. While a core conservation has not been a popular concept with the group or planning office, naming specific geographic areas is imperative given the limited amount of high-value grassland areas left in Western Placer Co. It must be emphasized that gentle slopes roughly north of Baseline Road and west of Fiddymont & Dowd Road is what is left from the displacement of recent development in the past 25 years. This has not been clearly presented by change maps. This rate of historic growth and SOI expansion (namely by the City of Roseville), for example, must be presented in the Draft Report as a map to illustrate how much urban development has occurred since 1960. This has significantly decreased the County's land-base and resulted in cumulative loss of grasslands and foothill oak woodlands.

Recent annexations, such as the WRSP and current proposals on the books, further illustrate the serious erosion of a landbase and unfortunately a lack of support by the Board of Supervisors to carry forward a viable PCCP. Likewise, the City of Lincoln proposed expansion -- with an alarming doubling-rate of its population -- would like to continue this rate of growth into the western grasslands. There must be participation by this City at the BWG meeting for the stakeholders to understand their commitment to preserving these critical grassland habitats. In addition to Lincoln's expansion plan, the approved Teichert aggregate project along Coon Creek (if I'm not mistaken), also poses serious impacts on the remaining riparian resources of the Lincoln region, especially if riparian areas will be heavily impacted by future storm drain inflows from impervious surface, such as the Auburn Ravine and potentially Coon Creek watershed. The Pleasant Grove watershed is now seriously impacted by flooding.

Having received comments back from the Agencies -- these development projects taken together are a "formost concern" coupled with land use issues. Converting Ag. lands to Residential in broad swaths (in 1000's of acres at a time!) at this scale and rate, continues to set an unsustainable precedent. In fact it could preclude a viable HCP. These proposals recently brought forth are also in remote and sensitive areas that will continue to fragment the landscape and induce further leap-frog development. So-called "in-fill" in the future will then completely eliminate any remaining Ag. / Conservation areas.

#### Ag. / Conservation Core Area Proposal

In rapidly growing areas of California such as Placer County, practically speaking a "green belt" is essential to protect critical habitat areas beyond this belt. In some sense, the concept of a green belt is more practical too than a defined conservation area. By avoiding a polygon approach but defining a sensitive area as a whole --- that exists outside of the green belt will make it clear where land use conversion (such as Ag to Residential) can and cannot occur. Admittedly the County boundaries will create a polygon or area by default, but the green belt

approach is less selective than choosing parcels and much more specific than a mitigation strategy. Some lands will not be vernal pool complexes beyond the green belt, but these lands will also serve as valuable open space for connectivity in all directions.

Too much focus has been on saving riparian corridors and not lateral lands that run generally perpendicular to downslope streams. Whether saving horn-billed habitat in the tropical jungles of Thailand or vernal pool habitat in grasslands of the Great Central Valley of California – the most popular and likely successful strategy is to draw lines in the sand.

I also feel that the foothills themselves have not been adequately protected because of less regulatory leverage. The Coon Creek and Bear River watershed are extremely valuable lands in regard to the relative pristine condition and adjacency to Spenceville and Beale AFB (which surely some day will be part of a larger preserve). The northern portions of the Phase 1 area are probably the most viable areas to outright protect from long-term growth given their current remote location.

Having said this, the mitigation strategy could be of great use in areas outside of the greenbelt OR within a green belt buffer area (a broad swath of green belt) with some flexibility, such as Placer Vineyards or WRSP, that are likely to become development areas. There is obviously going to be "take" of listed species and critical habitat by development adjacent to urban areas. This displacement of habitat will need in-kind mitigation.

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Examining available land cover data produced within the Executive Summary (March 15, 2005), here is a general sketch of the green belt or green belt buffer area suggested as a starting point. (See attached Map)

- **Baseline Road** - there is an enormous amount of potential take within the area south of Baseline Road as this area (known as Placer Vineyards) is likely to become developed within the next 50 years given that it is adjacent to Sacramento County's urban areas and has been in the planning stages for quite some time. Therefore, the need to preserve lands beyond this general line is critical. In addition to this line, a corridor or tongue of open space (maintaining the existing land-use density at the minimum) ideally should remain to connect the Dry Creek watershed area with the Pleasant Grove watershed. Within the specific plan design, this could serve as a passive recreation areas to connect to the Dry Creek proposed green belt corridor.
- **Between Fiddymont Road and Brewer Road** - there is an enormous amount of take likely to occur as a result of the WRSP. While Roseville is a non-participating city, they must be strongly encouraged at a citizen and governmental level to preserve a large portion within their new sphere of influence (the 5000 acres of annexation referred to by the Agencies

comments). The lawsuit settlement money is a likely resource to utilize to create a simple design protecting vernal pool complexes, flood areas, buffer areas beyond and west of the waste water treatment plant.

- **North of Phillips Road** - the line or buffer area should generally trend directly northward to incorporate critical habitat to fully protect lands west of this line / buffer zone, generally along Dowd Road. Important features to connect and consider are:
  - Lands adjacent and west of the County Landfill area
  - Aitkens Ranch
  - Ca. Dept. of Conservation - prime farmland north and west of the Aitkens Ranch parallel to Auburn Ravine
  - Moore Ranch and associated vernal pool complexes
- **Williams Lane to Canal Road then return to Dowd Road**
  - At Dowd & Nicolaus northward - a large vernal complex exist in this area that must be preserved given the connectivity and size of these lands. Thus the green belt / buffer zone continues northward along Dowd to roughly past Wise Road.
- **Roughly north to Wise Road** but including the 100 year flood plain
- **Coon Creek to the Spears Ranch** - a buffer belt that basically follows
  - lands north of the green belt / buffer zone (roughly Garden Bar) shall be protected using existing land use protection
  - lands south or other unfragmented lands (often large parcels), such as those along the Kalaga Springs Road (Mt. Pleasant) area, may likely be incorporated

#### Concluding Remarks

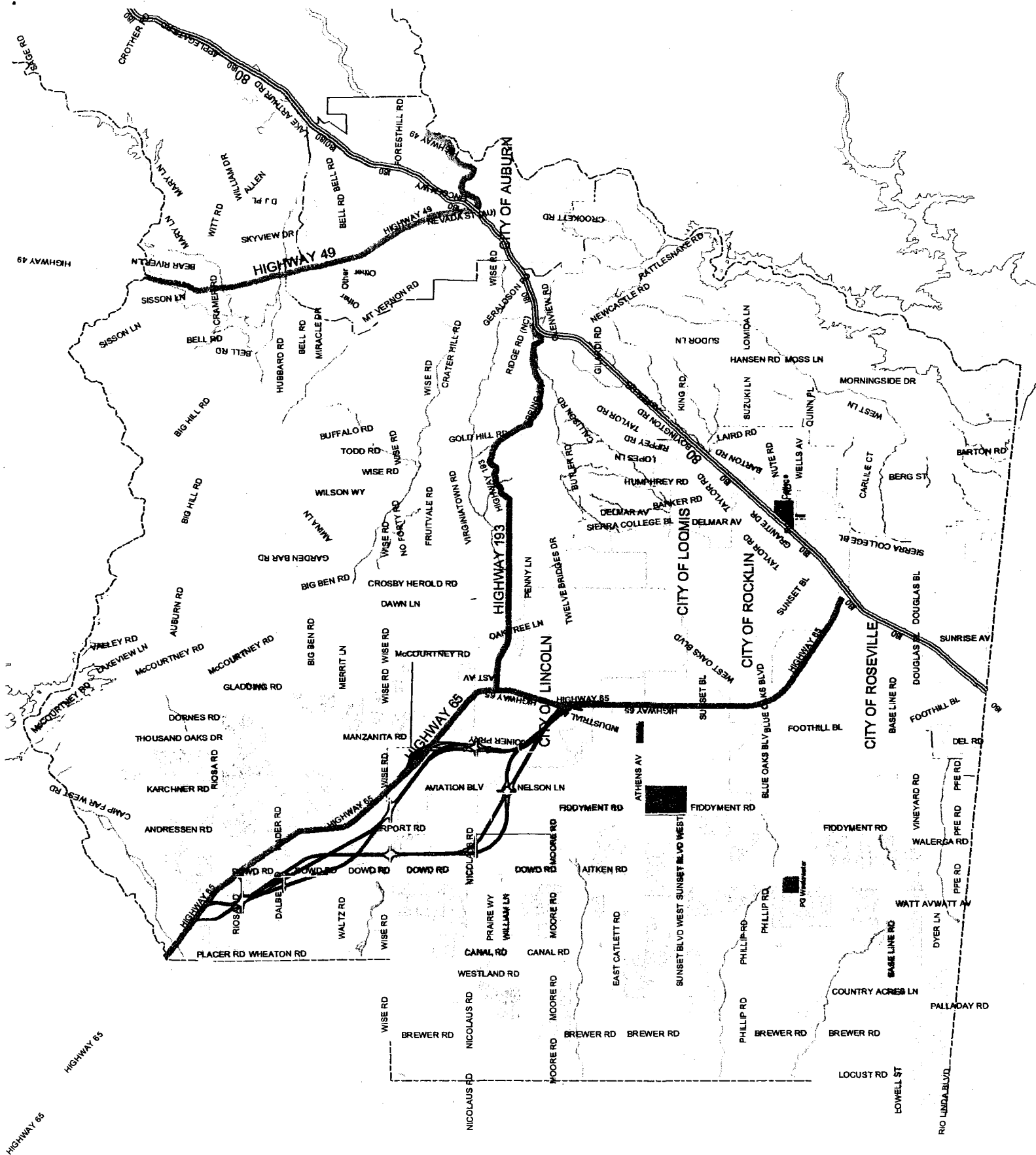
As stakeholder with access to the public GIS data, I've included a map to indicate a proposed green belt line which allows for development adjacent to urban lands and yet protects much of the resources that require future protection given the cumulative impacts of urban growth over past 25 years. Once perhaps a radical idea for this County and its governmental leaders, it's clear from the Agency comments that such a strategy is necessary to preserve what is left of the last remnant of non-fragmented grasslands, vernal pools, and foothill oak woodlands. The good news, from a personal standpoint, is that the landbase does exist. The bad news, of course, is that given the historical rate and manner in which development has occurred here, this is a radical departure from such practices.

Sincerely,

Sean Booth  
Professor of Geography & GIS  
Sierra College

note attachment - general green belt map





**Exhibit E**  
**PCCP Cost Summary**

**Projected Costs**

Tables 2 and 3 represent the costs of implementing and managing the PCCP. These costs are based upon early assumptions for costs which are likely to be revised once the conservation strategy has been redrafted and a new appraisal of land values has been completed.

**Table 2**  
**One-time Cost Estimate to 2050**  
**Combination of Fee Title and Conservation Easement**

<b>ESTIMATES OF PCCP ONE-TIME COSTS THROUGH 2050 (2004 dollars)</b>			
	<b>Local Mitigation</b>	<b>State/Federal Conservation</b>	<b>PCCP TOTAL</b>
Land Acquisition	\$568,000,000	\$203,000,000	\$771,000,000
Restoration	319,000,000	120,000,000	439,000,000
Contingency	89,000,000	32,000,000	121,000,000
<b>Total One Time Costs</b>	<b>\$976,000,000</b>	<b>\$355,000,000</b>	<b>\$1,331,000,000</b>
<b>Percent of Total Costs</b>	<b>73%</b>	<b>27%</b>	<b>100%</b>

**Table 3**  
**Estimated Annual Ongoing Costs**

<b>ESTIMATES OF PCCP ANNUAL ON-GOING COSTS IN 2005, 2025, AND 2050 (2004 dollars)</b>			
	<b>2005</b>	<b>2025</b>	<b>2050</b>
<b>Management of Local Mitigation Land</b>	<b>\$1,117,000</b>	<b>\$3,504,000</b>	<b>\$6,865,000</b>
<b>Management of State/Federal Conservation Land</b>	<b>\$1,407,000</b>	<b>\$3,273,000</b>	<b>\$2,702,000</b>
<b>TOTAL PCCP</b>	<b>\$2,524,000</b>	<b>\$6,777,000</b>	<b>\$9,567,000</b>
<b>Total Annual Costs</b>			
<b>Total Annual Cost per Acre Managed</b>	<b>\$700</b>	<b>\$200</b>	<b>\$170</b>

## EXHIBIT F



**US FISH & WILDLIFE SERVICE**  
Sacramento Fish and Wildlife Office  
2800 Cottage Way, Room W-2605  
Sacramento, CA 95825-1846  
(916) 414-6600



**NATIONAL MARINE FISHERIES SERVICE**  
650 Capitol Mall, Suite 8-300  
Sacramento, California 95814  
(916) 930-3600



**CA DEPT. OF FISH & GAME**  
Sacramento Valley-Central Sierra  
1701 Nimbus Road, Suite A  
Rancho Cordova, CA 95670  
(916) 358-2900

Loren Clark  
Assistant Planning Director  
Placer County Planning Department  
11414 B Avenue  
Auburn, CA 95603

**RECEIVED**  
JUN 01 2005  
**PLANNING DEPT.**

Dear Mr. Clark:

The U.S. Fish and Wildlife Service (Service), the National Marine Fisheries Service (NMFS) and the California Department of Fish and Game (DFG) (collectively, the Wildlife Agencies) have reviewed the Agency Review Draft of the Placer County Conservation Plan (PCCP), Western Placer County, dated February 22, 2005 (hereafter the Agency Review Draft). This plan is the first of three comprehensive, multi-species plans for the County, and is called the Phase 1 PCCP. The Agency Review Draft provides a framework for completion of a Habitat Conservation Plan (HCP) pursuant to Section 10 of the Endangered Species Act (ESA) (16 U.S.C. § 1531 et seq.) and a Natural Community Conservation Plan (NCCP) pursuant to the NCCP Act (Fish & G. Code, § 2800 et seq.) for the Phase 1 PCCP Planning Area in Placer County. The Phase 1 PCCP encompasses approximately 221,000 acres in the western portion of the County from the valley floor to the foothills of the Sierra Nevada near the City of Auburn. The Phase 1 area includes significant natural resources, including stream environments, vernal pool grasslands, grasslands, oak woodland, and associated listed species, sensitive species and a diverse array of other wildlife species. At Placer County's request, our review focuses on, but is not limited to, issues relative to the proposed conservation strategy in the Agency Review Draft of the PCCP.

The Wildlife Agencies share the opinion that, at this juncture, the Agency Review Draft does not yet meet the regulatory standards in the ESA or the NCCP Act. We underscore, however, that solutions to all the issues identified below are feasible if Placer County and the plan participants continue to work closely with the Wildlife Agencies. We stand ready to assist in that effort in a collaborative and productive manner, and stress that a successful conservation strategy in Placer County is a high priority for the Wildlife Agencies.

We acknowledge the difficult and complex issues involved in devising a workable conservation strategy. Along these lines, the ESA and the NCCP Act are quite similar in their shared objectives of conserving natural resources while allowing for compatible growth and development. These objectives pose formidable challenges, especially in urbanizing areas where land available for conservation and appropriate development is more and more limited. Placer County is one such area and the increasingly limited opportunities for conservation and development put even more pressure on participants to devise an equitable and intelligent balance between economic and environmental considerations. Permits to be issued pursuant to the ESA and the NCCP Act must meet controlling legal standards, and the PCCP must clearly articulate how those standards are met. Our shared challenge then is to ensure that growth in the County is accommodated while protecting adequate lands for conservation of the biological resources proposed for coverage under the Phase 1 PCCP.

As for the Agency Review Draft specifically, we begin with an important point of introduction. The Wildlife Agencies and Placer County entered into a Planning Agreement regarding the PCCP in the fall of 2001. At that time, the Wildlife Agencies were confident that, working together, the County could achieve conservation in the western portion of the County based on the land use designations in the 1994 Placer County General Plan. The current planning landscape, however, is quite different than what the County and the Wildlife Agencies envisioned at the time we completed the Planning Agreement. The Wildlife Agencies and Placer County have responded to numerous development proposals, including the City of Roseville's annexation of over 5,000 acres, two new university proposals in the unincorporated western portion of the County, alternative alignments for Placer Parkway, Placer Ranch, Placer Vineyards, and a proposal by the City of Lincoln to expand its sphere of influence. The Wildlife Agencies believe that these projects, taken together, have the potential to preclude adequate levels of conservation for species and natural communities proposed for coverage under the Phase 1 PCCP. This significant possibility will remain a foremost concern as we move forward to develop a fundamentally sound, scientifically based conservation plan that can be permitted under the federal ESA and the State NCCP Act.

Even with existing concerns, the Wildlife Agencies believe the Agency Review Draft of the PCCP provides an excellent foundation to ultimately complete a conservation plan. We also concur that the Agency Review Draft contains the principle components of a conservation strategy that can meet standards in the ESA and NCCP Act. However, the plan does not yet meet these regulatory standards and there are significant local land use issues that have the potential to compromise our shared goal of establishing a viable conservation strategy in Western Placer County. With that introduction, we turn to specific comments regarding the proposed conservation strategy in its present form.

The Wildlife Agencies believe the following issues regarding the Agency Review Draft of the Phase 1 PCCP need to be addressed:

- The general focus of the Agency Review Draft should be redirected from a mitigation strategy to a conservation strategy that contributes to recovery of covered species in the planning area.

- The historic development pattern in the County carried forward in the Agency Review Draft is likely not compatible with a viable conservation strategy.
- The conservation strategy should be further refined to include specific conservation measures, the location and specific acre objectives of conservation lands, and to focus on conservation of existing high value habitats.
- Proposed retention of 30% of the growth area in natural habitat as part of the conservation strategy may not be viable or feasible.
- The conservation strategy relies too heavily on restoration and creation of vernal pool grasslands.
- Reliance on parcels as small as 200 acres for conservation purposes within the urban matrix may not be viable.
- Exclusion of parcels of less than 20 acres from mitigation obligations related to oak woodlands and grasslands is not appropriate.
- The designation and use of the Development Opportunity (DO) area, Conservation Opportunity (CO) area, and Conservation Management Units (CMU) lack clarity, consistency, and purpose.
- The cost share assumptions of the permittees and the State and Federal governments are not yet appropriate.
- HCP 5-point policy issues, as they pertain to the Phase 1 PCCP, should be presented or summarized together in a section of the PCCP
- The biological goals and objectives lack measurability.
- The Monitoring and Adaptive Management components of the conservation plan need to be further developed.
- Implementation measures need clarification.
- A Changed and Unforeseen Circumstances section needs to be developed.
- Current information is needed regarding plan financing, which is not included in the Agency Review Draft as noted in the County's letter to the Wildlife Agencies, dated March 4, 2005.

These and related issues are more fully discussed below.

#### *PROPOSED GROWTH PATTERN*

According to the Agency Review Draft, the majority of the growth projected for Western Placer County is expected to occur from continued parceling of fragmented oak woodlands within the southeast portion of the Plan area and within intact, non fragmented, vernal pool grasslands in the western portion of the Plan area. In total, the Agency Review Draft indicates that approximately 57,000 acres of undeveloped land will be urbanized during the 50-year term of the proposed permit, and will nearly double the human population in this portion of the County. The Wildlife Agencies have no basis to question the growth projections in the Agency Review Draft. We emphasize, though, that how and where the County grows during the term of the proposed permit over the next five decades has a much more significant effect on the prospect of conservation than does the number of new residents.

A review of aerial photos completed in 2002 indicates approximately 20,000 acres of vernal pool grassland community existed in Placer County at that time. The Agency Review Draft states on page 6-18 that, "it is reasonable to estimate that the present extent of valley grassland/vernal pool, and particularly the vernal pool component of it, is probably less than one-quarter of its original extent in the Western Placer Area." Yet, the Agency Review Draft includes a proposed Development Opportunity area for Placer County and the City of Lincoln that includes approximately 15,000 acres of vernal pool grassland community. In so doing, the Agency Review Draft contemplates urban development within an area supporting 15,000 acres of the remaining vernal pool grassland in Western Placer County. The Agency Review Draft further states that a portion of the 15,000 acres would not be directly lost as a result of development but would be retained within the urban matrix. This would result in only 5,000 acres of the remaining vernal pool grasslands to be retained in an environment buffered from urban uses by either other native habitats or active agriculture. This would represent a potential 75% reduction in the biological value of this important community since 2002 and loss of over 85% of the same community from 1937 through the 50-year term of the permit. The Wildlife Agencies believe that a loss of vernal pool grassland habitat of this magnitude compromises a sound conservation strategy.

A related issue concerns historic development patterns in the County, which are carried forward in the Agency Review Draft. The current plan and the financial models used to develop the plan assume a buildout scenario based on past development patterns and densities. The Conservation Strategy Overview, dated April 15, 2004, states on page 6, item #12,

... the protected areas will need to be substantial and ecologically connected, particularly as they will inevitably support compatible land uses and multiple management objectives. In order for this to happen, historical patterns of urbanization will need to change-the present trend of continual extension of urban boundaries with only small areas of retained natural open space is inconsistent with the biological reality of conservation. The Western Placer of the future has a limited capacity for further urbanization as historically conducted if the conservation goals and objectives of the NCCP/HCP are to be met and Placer County's quality of life is to be preserved. Conservation will thus require modifications to urban growth patterns with conservation emphasis placed outside of the urban areas. Incentives and regulatory measures may be created to encourage participating agencies to provide more efficient use of land through infill/redevelopment and higher density inside urban/suburban areas. This new pattern will require the differentiation of conservation areas from growth areas ...

The conservation strategy in the Agency Review Draft, in contrast, appears to continue historic growth patterns. The net result of this approach from a conservation standpoint is that the plan contemplates a high level of impact to natural communities and covered species, along with correspondingly intensive actions necessary to achieve what is, at this point, an uncertain level of conservation. Under the proposed development scenario, for example, the conservation strategy relies on acquisition of existing high value natural communities, significant restoration of degraded communities, and preservation of 30% of intact vernal pool ecosystems within the assumed footprint of the future urban matrix. According to the Agency Review Draft, all of this

is necessary to achieve plan goals and objectives for conservation of natural communities and covered species. To achieve conservation with this approach, however, nearly all remaining intact natural communities (principally vernal pool grasslands) will need to be acquired, an excessive amount of restoration (grasslands or rice to vernal pool grasslands) will need to occur, and significant areas of existing intact systems will have to be preserved in areas slated for urban development.

At this point, the Wildlife Agencies believe the approach to conservation, from a practical standpoint, in the Agency Review Draft is not feasible or attainable. We doubt, for example, it is feasible to acquire nearly all remaining intact vernal pool systems within a willing seller system. The expectation that the few remaining landowners of high quality intact habitat will be willing sellers of either conservation easements or fee title is unreasonable. Additionally, even if all these lands could be acquired and managed, we are concerned about the biological quality of these lands, their ability to be managed through time, and their ability to be appropriately linked or adequately sized to provide conservation in the long term.

The Agency Review Draft supplements the shortcoming in this aspect of the conservation strategy by relying too heavily on creation and restoration for vernal pool grassland habitat conservation. These restoration efforts are directed at agricultural and non-vernal pool grassland habitat. Though such efforts hold promise, restoration of vernal pool grassland is complex and, at this point, unproven. The Wildlife Agencies believe as a result that the biological risks associated with the conservation strategy relying on the restoration of over 5000 acres of vernal pool grassland is just too great.

Against this backdrop the Wildlife Agencies believe the area of impact contemplated in the Agency Review Draft is too large. The County and other plan participants may want to consider modifying the proposed development area and thus enhancing the ability to preserve existing high-value habitat. In our view, this will allow for the opportunity to assemble adequately sized and configured conservation areas. Taking this approach could also reduce the need to rely so heavily on restoration. Likewise, it might reduce the need for avoidance of impacts on covered species and biological communities within development project boundaries. Finally, such an approach will provide greater assurance of conservation.

#### *THE RESERVE SYSTEM AND THE CONSERVATION STRATEGY*

The area of growth has major impacts on the ability to provide for conservation and implement any proposed conservation strategy. The conservation strategy must provide for an adequate amount of land in an appropriate configuration to assure that conservation and recovery and other biological goals are achieved. The Agency review Draft does not demonstrate that conservation can be achieved but merely provides a mitigation concept without an appropriately specific strategy for conservation.

The conservation strategy must be based on clearly articulated, measurable biological goals and objectives. These will dictate all of the implementation measures, including reserve design, and they comprise a critical component of the conservation plan. To facilitate design of a monitoring program, the goals and objectives should be organized in a hierarchy, including those at

ecosystem or landscape, natural community, and species-specific levels. The conservation strategy section must also be able to describe uncertainties about conservation actions and propose approaches to resolving them.

Basic tenets of Conservation Biology, as embodied in documents prepared by Placer County as part of Placer Legacy and the NCCP/HCP, define the need for large, roadless, interconnected sites void of urban influences as the foundation of a conservation reserve system. Reserve design including size and shape and proposed human use of retained natural habitats as well as adjacency to human activities will dictate ecological values and functions of these habitats through time. The Agency Review Draft does not specify, even in broad terms, the distribution, configuration or linkages among conservation lands or methods for ensuring appropriate reserve establishment or consolidation. This makes it difficult for the Wildlife Agencies to ascertain that conservation can be achieved.

For example, the Agency Review Draft presumes that retained habitats within the DO area will provide full function and value and contribute to and be a part of a larger regional conservation strategy. We believe that this assumption cannot be scientifically validated. Retained parcels within an urban matrix often fail to provide full value over time due to the small size of the retained areas, adjacent urban uses, and the inability, due to small size and proximity to urban landscapes, to actively manage retained sites. We do not envision a 200 acre parcel, as noted in the Agency Review Draft, as a minimum size for a reserve, to be fully functional and part of a larger conservation strategy when surrounded or nearly surrounded by an urban landscape. The 200 acre minimum preserve size proposed in this Agency Review Draft may only be acceptable within the CO area, not within an urban matrix unless it has exceptional specific importance.

The Wildlife Agencies do not believe it is feasible to develop a conservation strategy that relies on significant areas within the urban matrix as potential conservation sites. We fundamentally question the biological effect of a requirement that project applicants consider limited "avoidance" in project design. A strategy can only be fair if all parties can concur with the designation of areas for urban development and the areas designated for conservation with minimal risk of conflict from adjacent urban growth. Except for unique habitat areas, all but stream environments should be considered to be urbanized within the urban growth area or the DO. At the least, zones should be established, based on specific criteria, where all vernal pool resource values are assumed lost and no conservation credit is allowed for avoided areas. This type of strategy would also require specific measures designed to mitigate potential water quality impacts related to a lack of onsite avoidance. We suggest that the PCCP include Low Impact Development criteria as a requirement for all covered activities related to urban growth as a means to resolve this issue. We suggest this strategy because the Agency Review Draft relies too heavily on review of potential reserve areas at the same time development projects are brought forward. Likewise, we suggest this strategy because a system whereby the development community and the Wildlife Agencies resolve issues regarding appropriate conservation areas on a project-by-project basis are similarly unworkable. We also do not believe the issue can be deferred to the project-specific level because it poses too great a risk to the conservation strategy due to future decisions and it places undue hardship on the regulated community to consider the extent to which potentially developable areas are avoided.



We do not agree, as stated on page 6-63, that all 5,530 acres of lands currently under various open space designations within Placer County will qualify to be part of a reserve system. This statement is conclusory and not supported by specific management or ownership conditions for the parcels comprising these 5,530 acres. Each parcel must be examined for the applicability of the parcel to be incorporated into a reserve system, including its location relative to other biological reserves, proposed use, management, and funding source.

We know that nothing in this Agency Review Draft can prevent a developer from proposing a project to any plan participant. We also know that acceptable measures can be instilled within the plan that will significantly improve the ability of the plan to successfully establish and maintain a conservation program. In this regard we believe that clear restrictions should be placed on development within any defined conservation area until delineated development concentration areas are at or near capacity. This will allow adequate time to achieve a well conceived and implemented conservation strategy. The plan must also include specific assurances that conserved lands are not fragmented or degraded by subsequent urban development. This is especially important for those areas that are designated for future urban growth and also surrounded or nearly surrounded by high value grassland, vernal pool grassland, or riparian or oak woodland ecosystems. Specific criteria must also be developed to establish and retain the viability of the reserve system as it grows and changes over time.

As the Agency Review Draft states, large connected preserves are critical for conservation. To achieve this goal, the conservation strategy must more clearly describe a future conservation strategy as well as a future growth strategy. We believe the reserve system should be designed to occur entirely, or nearly entirely, outside delineated urban growth areas. Likewise, the conservation strategy should emphasize acquisition of existing high value conservation lands adjacent to lands currently dedicated to natural resource conservation through conservation easements or fee title. Additional lands not adjacent to existing conserved lands should also be considered for conservation in the plan, specifically, large parcels of high quality habitats that could form the base for an enlarged reserve system and lands critical to habitat linkages between larger preserve areas.

We suggest the development of a conceptual conservation reserve model. This model would allow all plan participants to fully understand the ramifications of both development and conservation. Results from this model should be included in the next draft plan and their purpose should be described more fully. Likewise, acreage objectives based on the biological needs of each covered species should be included for all species identified within the Plan.

#### *ISSUES RELATED TO MITIGATION AND CONSERVATION*

The approval of the plan and the consequent authorization of take and associated assurances given under the NCCP Act and ESA are predicated on the participants' development of a plan that includes a conservation strategy that meets State standards and federal issuance criteria with assurances, financial and otherwise, that it will be successful. There is currently a lack of sufficient detail in the plan to provide for and assure actual implementation of the strategy. Furthermore, the Agency Review Draft appears to rely too heavily on the State and Federal

governments to provide the assurances from a conservation standpoint. This issue is exacerbated by the current focus within the Agency Review Draft on mitigation, an expected cost share assumption by the State and Federal governments and a failure to identify additional measures supported by the plan participants that will contribute to conservation. An appropriately revised plan will allow the Wildlife Agencies to seek funds for land acquisition or other conservation measures but the primary responsibility for plan implementation lies with the plan permittees.

The reserve system should be based on the land and management activities needed to provide for conservation of the covered species and the natural communities within the Plan area. The Agency Review Draft does not take this approach. Rather, it focuses on mitigation as the primary mechanism to provide for conservation. A conservation plan, in contrast, should be driven by the needs of the covered species within the Plan area and the ability of the plan to provide for ecosystem integrity. A conservation plan must include a variety of measures designed to assure conservation, one of which may be the use of mitigation derived from covered activities.

The relationship of the Plan to species recovery within the plan area and to the conservation of natural communities must be more fully explored and supported in the next draft plan. More specific measures must be identified that contribute to species recovery and assure effective conservation. One approach to address this issue could be to include a more detailed description of Conservation Management Units and all measures the plan intends to incorporate to achieve conservation.

The Wildlife Agencies are concerned the Agency Review Draft does not provide mitigation for impacts to oak woodland and grassland habitat on parcels of less than 20 acres and discounts the value of rice to winter migrant birds. Conservation plans typically require levels of take and conservation to be roughly proportional. This may create an imbalance in the level of take and the level of mitigation within the total plan area.

### *MONITORING AND ADAPTIVE MANAGMENT*

The Wildlife Agencies believe the monitoring and adaptive management section is an appropriate foundation by which to further develop specific measures required for permit issuance. These specific measures are not fully developed at this time.

The adaptive management feedback loop, from monitoring and targeted studies to decision-making, needs to be better developed and described in detail in the plan. Critical management uncertainties need to be disclosed and a program devised to resolve or inform them.

The PCCP thus far has amassed much information on the natural resources to be conserved and managed, and it has developed enviograms that can provide the foundation for more conceptual models at multiple levels that can guide design of the monitoring program.

The plan needs to make clear that adaptive management and monitoring will continue beyond the duration of the permit and that funding and other commitments for these programs must be assured in perpetuity.

We recommend that sections within Chapter 7 that pertain to compliance monitoring and implementation structure be moved to Chapter 9, Implementation, thus focusing discussion within this chapter on effectiveness monitoring and experimental management.

### *IMPLEMENTATION*

The plan must link conservation targets to enforceable actions in order for the Wildlife Agencies to determine that the plan can be adequately implemented. This would include adoption of ordinances by all permittees, as well as more specific language for management of reserve lands. Vague objectives, suggestions, goals, or non-specific or unenforceable actions do not provide the level of assurance that must be included within the plan. Biological objectives at all levels must be quantitative. To this end, we suggest that measurable objectives for reserve development be included in the revised plan as a means by which to track implementation. Included, for example, within these measures would be a fully functioning management authority, acres under management, connectivity, reserve size objectives and implementation of a specific monitoring and adaptive management program. Obligations of each permittee (Section 9.1.2) should be specific as to acres of conservation obligation to implement the plan. The first such target should be 2010 at which point the measurable objectives must be met.

The next draft must specify (Section 9.1.2.6) that the plan is only one plan, with only one permit and one Implementing Agreement. Separate permits are not issued to each plan participant and the plan participants' take authorities are not severable from each other.

The next draft must clarify that any plan implementation operator is merely acting for the plan permittees and that the ultimate responsibility for plan implementation is with Placer County and the other plan participants. Individual jurisdictions that are included on the permits (Section 9.2.2) must be participants in the plan operating authority. Permittees cannot choose to independently implement a joint plan. A potential solution for the next draft is to either retain the language in this Agency Review Draft as written with full explanations of the sharing of responsibilities for each permittee or describe an Implementing Entity. Alternatively, the County could be named the implementing entity on behalf of all permittees.

While the plan proposes the need to maintain a 500 acre surplus of conserved land ahead of take, the plan fails to consider that impacts be roughly proportional to the total conservation obligation of the permittees. This relationship must be established within the context of the next draft. Except for the vernal pool grassland complex, the Draft does not have a cap on take for any habitat or species. Impacts need to be quantified for permit issuance.

Plan Implementation, Chapter 9, should focus discussion on the implementation structure prior to discussions of the specific obligations for each party.

## ADDITIONAL ITEMS OF SIGNIFICANCE

Project applicants should not be required to survey project sites for presence of covered species except as needed for preconstruction surveys. Only that data needed for the development of mitigation requirements and that needed for 404 permitting should be obtained.

Covered activities in general need greater specificity. Projects that are specifically listed, such as Placer Parkway, must provide even greater detail. We believe that this project, in particular, poses considerable risk to the integrity of a conservation strategy due to the potential fragmentation issues related to selection of any route that lies north of Pleasant Grove Creek.

The Agency Review Draft does not include a chapter discussing financial issues which is needed for the Wildlife Agencies to understand and evaluate the financial integrity of the program including adaptive management and monitoring in perpetuity.

The plan must contain a discussion of the procedures to be followed in the case of changed or unforeseen circumstances that may affect species or their habitat.

Conservation alternatives (Section 8.1.5) should include an alternative which has a larger reserve system.

The Agency Review Draft identifies three State Fully Protected species as covered species. The DFG cannot authorize take for these species, however they can be included as a covered species provided adequate conservation is included for these species.

The Agency Review Draft does not adequately address issues related to subsequent permits for either the Section 404 programmatic permit or the programmatic Streambed Alteration Agreement. The relationship of these proposed permits and the Agency Review Draft need to be more fully detailed.

## CONCLUSIONS

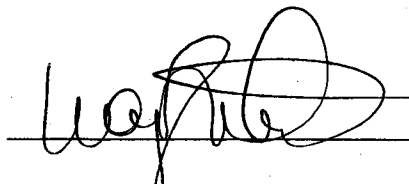
The issues we have identified are both interrelated and interdependent. The Wildlife Agencies believe that a reduction of the proposed development land base of 57,000 acres would lead to solutions for the issues we have identified. Consideration of this action would likely reduce direct and indirect impacts, would significantly increase the likelihood that intact existing resources could be acquired for a conservation system and would rely substantially less upon unproven restoration to achieve plan goals. The overall result is a plan that is less costly to implement, has a much higher likelihood of providing successful conservation, and yet achieves all of the plan participant goals to accommodate projected growth.

The Wildlife Agencies believe that a plan can be developed that provides for the conservation of the covered species in Placer County. Assuring conservation of the covered species and habitats could allow the Service to pursue actions within existing law and policy to address the critical habitat designations for listed vernal pool invertebrates in west Placer County and be consistent with the soon to be finalized Recovery Plan for vernal pool species.

The Wildlife Agencies are available to discuss the comments outlined in this letter and will provide additional comments on the Agency Review Draft that we believe can assist in the preparation of a final plan.

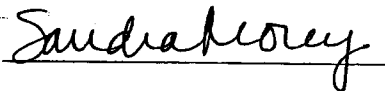
Thank you for the opportunity to review this Agency Review Draft. The Wildlife Agencies fully support the completion of the Phase 1 PCCP and believe that the Agency Review Draft provides a coherent foundation on which a successful plan can be formulated. We have provided you herein with comments and recommendations designed to achieve our shared goals. We look forward to continued close coordination with Placer County and other plan participants. If you have questions or concerns please contact us at (916) 414-6600 (USFWS), (916) 414-930-3623 (NMFS) or (916) 358-2900 (CDFG).

Sincerely,



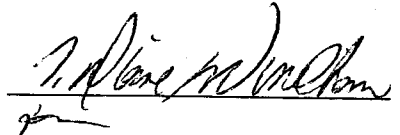
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12

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13

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